



Environmental obligations in insolvency procedures

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Problem

- *To which extent is the seizing creditors in a bankruptcy estate, etc., responsible for the environmental obligations of the debtor, and how can such obligations be secured?*
- *Norwegian law and de lege ferenda*

Environmental and other claims



- *Tort and contract*
- *Public and private*
- *Polluter pays*

The starting point

- *The practical situations*
- *Duties of the trustee*
Waste SI § 11-9; Bancruptcy Act, 1984, §§ 85, 120
- *Basis of liability*
Pollution Control Act, 1981, §§ 7, 51, 55, 76
- *The subject liable*
 - *The responsible person is ...*
 - *Lender's liability*
 - *Norsirk HR-2017-1690-A*
- *Claim for dividend*
- *Liability of bankruptcy estate*
 - *Grindalen HR-2012-1254-A*
- *Abandonment*

Security

- *Condition of licence, PCA § 63*
- *Maritime insurance*
 - *Wreck removal*
 - *Oil and HNS spills*
 - *Shipowner' limitation of liability*
- *Other insurance and trust funds*
 - *Natural disasters*
 - *Svalbard*
- *Liens and priveleges*

Piercing the corporate veil

- *Rationale*
- *General rules*
- *Hempel I HR-2010-443-A and Hempel II LG-2013-210482*
 - *Control - parent company*
 - *Ownership*
- *ECHR P 1-1*
- *Corporate strategies*